

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

IN RE:

PHILLIP DABNEY, JR
ANNE DEEVER-DABNEY
440 Bird Avenue
Buffalo, New York 14213

**AFFIRMATION IN SUPPORT OF
TRUSTEE'S REQUEST FOR TURN-
OVER POSSIBLE PROPERTY OF THE
BANKRUPT ESTATE AND EXTEND
TIME TO OBJECT TO DISCHARGE**

SS#: 4046 (H) 8940 (W)

**BK#: 13-10036 CLB
Chapter 7**

STATE OF NEW YORK)
COUNTY OF ERIE) SS:

Thomas J. Gaffney as Trustee, states:

1. That the Debtors, Phillip Dabney, Jr. and Anne Deaver-Dabney filed a Voluntary Petition seeking relief under Title 11 U.S.C. (Chapter 7 Bankruptcy Code) on January 17, 2013 and I was thereafter appointed as Trustee and am so still acting.
2. That at a 341 Hearing held February 12, 2013, Debtors testified and produced proof that they had not filed their 2012 Federal and New York State tax returns. Listed bank accounts at First Niagara Bank and Bank of America and I seek bank statements evidencing the balances in those accounts on January 17, 2013, copies of their 2012 Federal and New York States tax returns and turnover of any non-exempt monies shown.
3. That as the last day to object to Debtors' Discharge would expire April 15, 2013, a time before they might be able to file their tax returns so that the Trustee could determine amount of refunds, if any, it is now necessary to bring this Motion requesting turnover of copy of those tax returns and bank statements, also seek an Order directing the debtors to turnover any pro rata share of refunds to the Trustee, as well as extend time to object to Debtors' Discharge until such time as there shall be compliance.
4. That this request shall also include the U.S. Trustee.
5. That no previous Application for the relief herein sought has been made.

WHEREFORE, as Trustee, I respectfully request that an Order now be entered which would compel the Debtors to turnover to the Trustee copies of their 2012 Federal and New York State income tax returns, turnover all non-exempt pro rata share of refunds due thereunder, bank statements and any non-exempt monies shown, as well as extend time to object to Debtors' Discharge until such time as there shall be compliance, together with such other and further relief as the Court may deem just and proper under the circumstances.

I DECLARE, PURSUANT TO TITLE 11, §1746 UNITED STATES CODE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on April 11, 2013


THOMAS J. GAFFNEY, Trustee

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